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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,816	04/14/2004	Alexander Joffe	M-5648-2D US	6681
33605 7590 09/22/2008 MACPHERSON KWOK CHEN & HEID LLP 2033 GATEWAY PLACE SUITE 400 SAN JOSE, CA 95110			EXAMINER SPIELER, WILLIAM	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/824,816	Applicant(s) JOFFE ET AL.
Examiner WILLIAM SPIELER	Art Unit 2169

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 11-13 and 30-42.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/James K. Trujillo/
Supervisory Patent Examiner, Art Unit 2169

Continuation of 11, does NOT place the application in condition for allowance because: Applicant's arguments filed August 22, 2008 have been considered but are not persuasive. Regarding Claim 11, Bass et al., U.S. Patent No. 5,487,170 (hereinafter "Bass") teaches the following:

Two tasks T1 and T2, are both attempting to access a resource R1. The round-robin scheduling method of Bass gives each task a window in turn within which to access the resource. During T1's first window, T1 generates a request, and, as T1 is within its window, does access the resource. T1's window then ends and T2's window begins. T1, before T2 has been dispatched to execute or otherwise generate access requests, itself generates a second access request. This request is not given access to the resource, as the window is currently possessed by T2. T2 then, during its window, generates its own request, and is given access. Upon the termination of T2's window, the window passes back to T1, whereupon T1's outstanding request is granted, and T1 accesses the resource. The circuit, therefore, would "not allow the task T1 to access the resource R1 until the task T2 attempts to access to the resource R1 and accesses the resource R1," thereby meeting the claimed limitation. As such, Bass teaches the limitation at issue in Applicant's arguments (Bass, col. 1, lines 40-45 "A round robin technique gives each task the same priority and ensures that each task request gets access to system resources in turn. A simple traffic light is a good example of a round robin scheme wherein each lane gets its turn until every lane has had an opportunity and then the pattern repeats.").

Examiner does recall the functionality that Applicant's representative described during the telephone interview of August 20, 2008. The substantive problem with Claim 11 as currently presented the circuit preventing access is optional, not mandatory; so long as the circuit would, in any single instance, prevent T1 from accessing resource R1 so long as the stated preconditions (T1's attempt for second access, T2 has not attempted access) are met, the limitation is met. Based on the telephone interview of August 20, 2008, Examiner was left with the impression that Applicant intends to prevent such access in all instances.

Examiner therefore respectfully submits that the relevant clause can be redrafted in a manner that would support Applicant's desired functionality. Examiner suggests "then the circuit _will never_ allow the task T1 to access the resource R1 until the task T2 attempts to access the resource R1 and access the resource R1." Such amendment would not place the claims in condition for allowance at this time, however, but would require further search.